



*DKW*

**PATENT**  
Attorney Docket No. ASC-049C1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Fitzgerald

SERIAL NO.: 10/774,890 GROUP NO.: 2818

FILING DATE: February 9, 2004 EXAMINER: Tran, Mai Huong C.

TITLE: RELAXED SiGe PLATFORM FOR HIGH SPEED CMOS  
ELECTRONICS AND HIGH SPEED ANALOG CIRCUITS

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29<sup>th</sup> day of August, 2005.

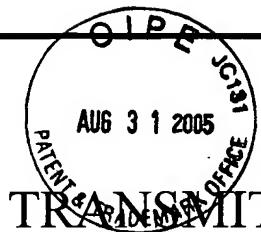
*Wendy L. Martin*  
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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 page);
2. Notice of Defective Office Action (2 pages)
3. Replacement Supplemental Information Disclosure Statement (1 page);
4. Form PTO - 1449 (4 pages);
5. Return receipt postcard



TRANSMITTAL  
FORM

<b>TRANSMITTAL FORM</b>	Application Serial Number	10/774,890
	Filing Date	February 9, 2004
	First Named Inventor	Fitzgerald
	Group Art Unit	2818
	Examiner Name	Tran, Mai Huong C.
	Attorney Docket No.	ASC-049C1
	Patent No.	Not applicable
	Issue Date	Not applicable

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <li><input type="checkbox"/> Check Attached</li> <li><input type="checkbox"/> Copy of Fee Transmittal Form</li> </ul>	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary</li> <li><input type="checkbox"/> After Final</li> <li><input type="checkbox"/> Affidavits/declaration(s)</li> <li><input type="checkbox"/> Letter to Official Draftsperson including Drawings</li> <li>[Total Sheets _____]</li> </ul>	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Replacement Supplemental Information Disclosure Statement <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Form PTO-1449</li> <li><input type="checkbox"/> Copies of IDS Citations (C123 – C134)</li> </ul>	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Sequence Listing submission <ul style="list-style-type: none"> <li><input type="checkbox"/> Paper Copy/CD</li> <li><input type="checkbox"/> Computer Readable Copy</li> <li><input type="checkbox"/> Statement verifying identity of above</li> </ul>	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
	<input type="checkbox"/> Small Entity Statement	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	 - Notice of Defective Office Action
	<input type="checkbox"/> Amendment After Allowance	
	<input type="checkbox"/> Request for Certificate of Correction <ul style="list-style-type: none"> <li><input type="checkbox"/> Certificate of Correction (in duplicate)</li> </ul>	

**CORRESPONDENCE ADDRESS**

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**SIGNATURE BLOCK**

Respectfully submitted,

Date: August 29, 2005  
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**NOTICE OF DEFECTIVE OFFICE ACTION**

1. This Notice of Defective Office Action is filed pursuant MPEP §710.06 regarding the Office Action mailed July 8, 2005, (hereinafter, "Office Action") for the above-referenced patent application.
2. The Office Action Summary states that claims 1-31 are pending in the application. The Detailed Office Action addresses claims 1-31.
3. By Preliminary Amendment filed on February 9, 2004 (hereinafter, "Preliminary Amendment"), Applicant cancelled claims 1-31 and added new claims 32-78. Neither the Office Action Summary nor the Detailed Action addresses claims 32-78.
4. The failure of the Office Action to (i) consider the claims added by the Preliminary Amendment and (ii) disregard the claims cancelled by the Preliminary Amendment represents defects in the Office Action.
5. In accordance with MPEP §710.06, Applicant hereby notifies the Office of the defects in the Office Action. Applicant respectfully requests that the defects be corrected.
6. In response to a request from the Examiner in the Office Action, a Replacement Supplemental Information Disclosure Statement is enclosed.

Notice of Defective Office Action

Serial No. 10/774,890

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7. No fee is included with this submission, because Applicant believes none is required. Nevertheless, should any fee be required for this submission to be considered, the Commissioner is authorized to charge deposit account number 07-1700.

Respectfully submitted,

Date: August 29, 2005  
Reg. No. 44,381

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